



PATENT

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

In re application: )  
Serial No.: 10/575,324 )  
Filed: April 10, 2006 )  
For: BREATHING ASSISTANCE )  
APPARATUS )  
Inventors: Gradon et al. )  
Examiner: Not yet assigned )  
Art Unit: Not yet assigned )  
Conf. No.: Not yet assigned )  
Atty. Ref: 1171/44893/168-PCT-US )

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 12, 2006  
Date

Jeffery E. Lynch  
Jeffery E. Lynch

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant submits the present Information Disclosure Statement and the attached Form PTO/SB/08A.

In accordance with 37 CFR §1.98(2)(ii) Applicant has not included copies of the United States patent(s) disclosed in this Information Disclosure Statement.

This Information Disclosure Statement is being filed before receipt of the first Office Action on the merits and constitutes as a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

WO 98/48878 is not in the English language. WO 98/48878 discloses an invention that relates to a breathing mask used in a CPAP system, comprising one or several of the following devices: a) a fixing device enabling the breathing mask to be placed at less pressure on the wearer's face with a securing strap (32); b) a sound-proof air outlet (2); c) an air-feed connecting element (40); d) a mask seal which seals the mask to the wearer's face without damaging the skin.

In accordance with 37 CFR §1.97, the presentation of this information shall not be construed as a representation that a search has been made or that no other material information as defined in 37 CFR §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 CFR §1.56.

It is believed no fee is required, however, should the Examiner feel otherwise, the United States Patent and Trademark Office is hereby authorized and requested to charge the fee to the deposit account of the undersigned firm, Account No. 20-1495.

Respectfully submitted,

Dated: July 12, 2006

By: Rayford A. Blackstone, Jr.

Rayford A. Blackstone, Jr., Reg. No. 25,156  
Linda L. Palomar, Reg. No. 37,903  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 W. Adams Street, Suite 3600  
Chicago, Illinois 60603  
(312) 704-1890

989253 WPD

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.T.Y

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/575,324
Filing Date	April 10, 2006
First Named Inventor	Lewis George Gradon
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	1171/44893/168-PCT-US

Sheet 2 of 2

## U. S. PATENT DOCUMENTS

[illegible]

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	
		Country Code* Number ** Kind Code* (if known)				
		AU 783657	11/24/2005	Diane McCudden		

Examiner  
Signature

/Rachel Young/

Date Considered:

08/26/2009

\* EXAMINER. Include if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document to which the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

Transferee is advised: The information is required by 37 CFR 1.97 and 1.98. The information is required to obtain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.